

CHRISTOPHER S. BOND, MISSOURI CHAIRMAN
CONRAD R. BURNS, MONTANA
PAUL COVERDELL, GEORGIA
ROBERT F. BENNETT, UTAH
OLYMPIA J. SNOWE, MAINE
MICHAEL ENZI, WYOMING
PETER G. FITZGERALD, ILLINOIS
MIKE CRAPO, IDAHO
GEORGE V. VOINOVICH, OHIO
SPENCER ABRAHAM, MICHIGAN
JOHN F. KERRY, MASSACHUSETTS
CARL LEVIN, MICHIGAN
TOM HARKIN, IOWA
JOSEPH I. LIEBERMAN, CONNECTICUT
PAUL D. WELLSTONE, MINNESOTA
MAX CLELAND, GEORGIA
MARY LANDRIEU, LOUISIANA
JOHN EDWARDS, NORTH CAROLINA

EMILIA DISANTO, STAFF DIRECTOR
PATRICIA R. FORBES, DEMOCRATIC STAFF DIRECTOR AND COUNSEL

United States Senate

COMMITTEE ON SMALL BUSINESS
WASHINGTON, DC 20510-6350

September 28, 2000

VIA FACSIMILE: (202) 619-0521
ORIGINAL BY U.S. MAIL

The Honorable June Gibbs Brown
Inspector General
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Inspector General Brown:

The Senate Special Committee on Aging held a hearing today, entitled "The Nursing Home Initiative: A Two-year Progress Report." At this hearing, the General Accounting Office (GAO) released a report entitled "Nursing Homes: Sustained Efforts are Essential to Realize the Potential of the Quality Initiatives" (Report). I am deeply concerned by the findings of the Report, which suggest that the Missouri Division of Aging (MoDA) may have concealed the extent of serious quality of care problems in one or more Missouri nursing homes.

In particular, the Report cited two nursing homes in the same district of Missouri that the MoDA determined to be "deficiency free" after state surveyors conducted their annual inspections. One nursing home was identified by GAO investigators after reviewing a sample of Missouri's "deficiency free" nursing homes to assess how many complaints had been filed against them. The GAO found that this particular "deficiency free" nursing home had 39 complaints filed against it and that follow-up complaint investigations identified 17 actual harm deficiencies, including three at the immediate-jeopardy level. GAO investigators discovered that MoDA surveyors initially identified 16 deficiencies during the nursing home's annual inspection. After the nursing home protested the survey findings, however, the MoDA eliminated the deficiencies in their entirety.

The second nursing home caught GAO's attention for two reasons. First, it was cited by the Missouri State Auditor in her audit of the MoDA. Second, GAO investigators were contacted by a number of Missouri surveyors troubled by the fact that a nursing home, riddled with deficiencies, was given a clean bill of health.

In particular, the Missouri's State Auditor's audit disclosed that MoDA supervisors extensively revised proposed deficiencies identified at the nursing home by MoDA surveyors. Initially, MoDA surveyors cited the nursing home with 71 pages of violations, including eleven

The Honorable June Gibbs Brown
Page 2

Federal and nine state deficiencies. However, MoDA supervisors deleted all 71 pages of deficiencies after the nursing home protested the survey results. The audit concluded that, among other things, the MoDA may have "inappropriately removed some deficiencies originally cited by the inspection team."

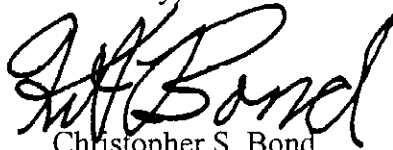
The GAO's investigation disclosed that the MoDA found a single deficiency at the same nursing home the following year. However, the Health Care Financing Administration (HCFA) conducted a Federal survey less than 4 weeks after MoDA conducted its survey. During its review HCFA identified 12 federal violations, of which one involved "actual harm." Other deficiencies were similar to the proposed-and-deleted deficiencies identified during the MoDA inspection in the previous year. Shortly thereafter, the MoDA revisited the nursing home to follow-up on that single deficiency and determined that the nursing home was in substantial compliance with applicable law. The GAO reported that Federal surveyors stated that these quality of care violations should have been detected by the MoDA.

In light of the aforementioned findings by the GAO and the Missouri State Auditor, it appears that violations uncovered by MoDA inspectors were, at a minimum altered or suppressed. In fact, the circumstances surrounding these two "deficiency free" nursing homes raise serious questions about the performance of the MoDA and/or one or more of its employees.

Therefore, I request that your office review this matter in detail. The GAO agrees with me that these matters warrant further examination to determine whether the two cases discussed in this letter are simply isolated instances of "deficiency elimination" or if a systemic problem exists within the MoDA. Attached are copies of the GAO Report and the audit of the MoDA for your review.

Thank you in advance for your attention to this critically important matter and I am hopeful that a review of these matters will allay my concerns. If you or your staff have any questions, please do not hesitate to contact Dan Donovan at (202) 224-5175.

Sincerely,



Christopher S. Bond
Chairman

Attachments